

FILED

NOV - 1 2005

1 JEFFREY F. KELLER (148005)
 2 JADE BUTMAN (235920)
 2 KELLER GROVER LLP
 2 425 Second Street, Suite 500
 3 San Francisco, CA 94107
 3 Telephone: (415) 543-1305
 4 Facsimile: (415) 543-7861

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

5 Attorneys for Plaintiff
 5 Patricia M. Niehaus
 6

7 **IN THE UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**
 9 **SAN FRANCISCO DIVISION**

10 PATRICIA M. NIEHAUS, individually and) Case No. C 05-2720 (MHP)
 11 on behalf of all others similarly situated,)
 12 Plaintiff,) **STIPULATION AND [PROPOSED]**
 12 v.) **ORDER TO STAY DATES, EVENTS AND**
 13 INTEL CORPORATION, a Delaware) **DEADLINES PENDING THE OUTCOME**
 14 Corporation,) **OF THE MOTION TO TRANSFER AND**
 15 Defendant.) **COORDINATE OR CONSOLIDATE**
 16) **PURSUANT TO 28 U.S.C. § 1407**
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

18 WHEREAS, on July 1, 2005, Plaintiff filed the instant action in the Northern
 19 District of California ("Niehaus Action");

20 WHEREAS, on or about July 11, 2005, the plaintiffs in Brauch, et al. v. Intel
 21 Corp., No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the
 22 Judicial Panel on Multi-District Litigation ("MDL"), to transfer and coordinate or consolidate for
 23 pre-trial proceedings pursuant to 28 U.S.C. § 1407 ("MDL Motion"), and the Niehaus Action has
 24 been identified as a related action to that motion;

25 WHEREAS, on or about July 27, 2005, Judge Patel issued a Related Case Order
 26 relating this case to an earlier filed case assigned to her, and canceling or staying certain but not
 27

1 all dates, events and deadlines in the action;

2 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

3 WHEREAS, the outcome of the MDL Motion will impact significantly the
4 schedule of this case;

5 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,
6 by and among counsel for Plaintiff Niehaus, and counsel for Defendant Intel Corporation, that
7 any events, dates or deadlines set by the Local Rules or the Federal Rules of Civil Procedure,
8 including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal
9 Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order
10 applicable to this case should likewise be stayed pending the outcome of the aforementioned
11 MDL Motion; and

12 IT IS FURTHER STIPULATED by the aforementioned parties that if a case
13 management conference is rescheduled by the Court, the parties shall adjust the dates for any
14 conference, disclosures or reports required by the Local Rules or the Federal Rules of Civil
15 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26
16 accordingly.

17

18 IT IS HEREBY STIPULATED.

19

Dated: October 28, 2005

20 Keller Grover LLP

21

22 By: /s/ Jeffrey F. Keller

23

JEFFREY F. KELLER

24

25

Attorneys for Plaintiff Niehaus

26

27

28

1 Bingham McCutchen LLP
2
3 By: /s/ Joy Fuyuno
4
5 JOY K. FUYUNO
6 Attorneys for Defendant
7 Intel Corporation
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**[PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES
PENDING THE OUTCOME OF THE MDL MOTION**

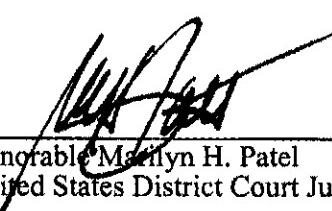
Any events, dates or deadlines set by the Local Rules or the Federal Rules of Civil Procedure, including the Local Rules for Alternative Dispute Resolution ("ADR Local Rules") and Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order applicable to this case are hereby stayed pending the outcome of the motion to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion").

Upon the determination of the MDL Motion, if it is necessary for the Court to reschedule a case management conference, the parties shall adjust the dates for any conference, disclosures or reports required by the Local Rules or the Federal Rules of Civil Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26 accordingly.

The parties shall notify the Clerk of the Court within 10 days of the decision on the MDL Motion.

IT IS SO ORDERED.

Date: _____


Honorable Marilyn H. Patel
United States District Court Judge